

REMARKS

Claims 1-9, 11-20 and 22 have been examined. Applicant is amending claims 6 and 19 to correct some typographical errors. Claims 1-9, 11-20 and 22 are all the claims pending in the application.

Rejection of Claims 6 and 19 under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 6 and 19 (incorrectly set forth in the grounds of rejection as claim 20) under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In view of the Examiner's remarks, Applicant is amending claims 6 and 19. Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection of Claims 1-5, 7-9 and 14-20 under 35 U.S.C. § 102(e) - Truluck

The Examiner has rejected claims 1-5, 7-9 and 14-20 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,353,447B1 (hereinafter Truluck). Applicant overcomes this rejection in view of the following.

Applicant notes that Truluck has a U.S. filing date of January 26, 1999, whereas Applicant's invention has a foreign priority date of November 17, 1998. Therefore, Applicant

can overcome the Examiner's rejection as to this reference if compliance with MPEP §706.02(b)(8th Edition) is met.

37 C.F.R. § 1.55 (Claim for foreign priority)(updated July 31, 2002) states that an applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. § 119(a) through (d) and (f), by filing a certified copy of the original foreign application and if necessary an English language translation of a non-English language foreign application. If an English translation is required, it must be filed together with a statement that the translation of the certified copy is accurate. *Id.*

The Examiner has already acknowledged receipt of a certified copy of German application no. 198 52 896.5, in the non-final Office action dated August 30, 2001. In order to perfect the claim to foreign priority, Applicant is submitting herewith a translation of the foreign priority document, along with a statement that the translation of the certified copy is accurate.

Based on the above, Applicant respectfully requests that the rejection of claims 1-5, 7-9 and 14-20 under 35 U.S.C. § 102(e) be withdrawn.

Rejection of Claims 6, 11-13 and 22 under 35 U.S.C. § 103(a) - Truluck

The Examiner has rejected claims 6, 11-13 and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Truluck. Applicant overcomes this rejection in view of the following.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 09/440,690

Attorney Docket No. Q56494
Art Unit 3712

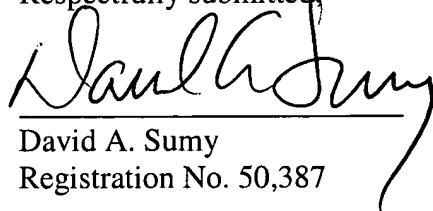
Applicant incorporates the remarks presented above with respect to claims 1-5, 7-9 and 14-20. Based on the above, Applicant respectfully requests that the rejection of claims 6, 11-13 and 22 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

6. (Twice Amended) A process for the automatic creation and monitoring of a progress plan for a training course according to Claim 1, wherein the computer automatically notifies the trainee of ~~the~~a termination of the training course.

19. (Thrice Amended) A computer for the automatic creation and monitoring of a progress plan for a training course according to claim 15, wherein the computer is connected to a computer.